

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1, 4-9 and 12-19 are now pending, wherein claims 1, 6 and 19 are amended, and claims 3 and 20 are canceled.

Claims 1, 3-9 and 12-20 are rejected for anticipation under 35 U.S.C. § 102(e) in view of U.S. Patent Application Publication No. 2002/0023223 to Schmidt et al. ("Schmidt").

Although it is respectfully submitted that Schmidt does not disclose the use of the claimed public and private keys of a software signature site, claim 1 is amended to include the elements of claim 3 in the interest of expediting prosecution. Thus, claim 1 now recites a method involving at least two different types of certificates: (1) a software signature certificate; and (2) a control entity or trust center certificate. This is not disclosed by Schmidt.

Schmidt discloses an authorization process that uses two different types of certificates, one for generation of software¹ and so-called access certificates². Neither of these certificates is a control entity or trust center certificate as now recited in amended claim 1. The Office Action cites the certificate mentioned in paragraph 0019 of Schmidt to reject these aspects incorporated into claim 1 from claim 3. This certificate, however, is the same certificate as that discussed in paragraph 0059 of Schmidt, which was cited as corresponding to the claimed software signature site certificate. Thus, these two portions of Schmidt both disclose the same certificate and not both: (1) a software signature certificate; and (2) a control entity or trust center certificate, as recited in amended claim 1.

It is noted that Schmidt, for example in paragraphs 0017 and 0018, discusses that several certificates can be used. These several certificates, however, are all the same type of certificate, namely certificates used for generation of software. Thus, the disclosure of these

¹ See, for example, paragraph 0050.

² See, for example, paragraph 0027.

several certificates by Schmidt does not disclose the two different types of certificates recited in amended claim 1. Accordingly, Schmidt does not anticipate claim 1.

Independent claim 7 recites a method involving both a software signature certificate and a clearing code site signature certificate. Because Schmidt discloses only a certificate for generation of software and an access certificate, Schmidt does not disclose the clearing code site signature certificate recited in claim 7. Accordingly, Schmidt does not anticipate claim 7.

Claim 19 is amended to include the elements of claim 20, and thus now recites a method involving three different types of certificates: (1) a software signature certificate; (2) a trust center certificate; and (3) a clearing code site signature certificate. The two different types of certificates disclosed by Schmidt are not a trust center certificate or a clearing code site signature certificate. Nevertheless, the Office Action cites the same portion of Schmidt for the disclosure of both of these two different types of certificates. The portion of Schmidt cited in the Office Action, however, discloses only a single type of certificate, namely the certificate used for generating the software, which apparently is being relied upon as disclosing the claimed software site signature certificate. This single type of certificate, however, does not disclose the three different types of certificates recited in amended claim 19, and accordingly Schmidt does not anticipate amended claim 19.

Claims 4-6, 8, 9 and 12-18 are not anticipated by Schmidt at least by virtue of their dependency. Accordingly, it is respectfully requested that the rejection of claims 1, 3-9 and 12-20 for anticipation by Schmidt be withdrawn.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any

deficiency in fees or credit any overpayments to Deposit Account No. 05-1323, Docket No. 080437.53236US.

Respectfully submitted,

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